

RECEIVED & INSPECTED  
JUN 15 2007  
FCC - MAILROOM

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MB Docket No. 05-112  
Table of Allotments ) RM-11185  
FM Broadcast Stations )  
(Fredericksburg, Texas) )

To: Assistant Chief  
Audio Division  
Media Bureau

RESPONSE TO COUNTERPROPOSAL  
BY  
KATHERINE PYEATT AND CHARLES CRAWFORD

Gene A. Bechtel

Law Office of Gene Bechtel, P.C.  
Suite 600, 1050 17th Street, N.W.  
Washington, D.C. 20036  
Telephone 301-340-1651  
Telecopier 301-340-6811

Their counsel

June 14, 2007

No. of Copies rec'd 046  
List ABCDE

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF CONTENTS.....	i
SUMMARY.....	ii
RESPONSE TO COUNTERPROPOSAL.....	1
I.     Petitions for allocations to two communities in south Texas filed in 2001 and 2003 conflict with and have priority over the Fredericksburg counterproposal filed in 2005.....	1
II.    Joint Parties' violation of the rule prohibiting inconsistent or conflicting applications.....	3
III.   Four technical and regulatory deficiencies preclude grant of the counterproposal.....	4
A.   Lakeway proposal.....	4
B.   Converse proposal.....	7
C.   Treaty with Mexico.....	7
D.   Replacement service for McQueeney.....	8
IV.    The claim of Section 307(b) priority for first local service is without merit.....	9
A.   Description of the Tuck policy.....	10
B.   Comprehensive study of Tuck policy decisions.....	12
C.   Unique perversion of the Tuck policy attempted by the Joint Parties here.....	16
V.     The claim of Section 307(b) priority for population figures is without merit.....	17
VI.    Conclusion.....	18
Attachments and Appendices as noted in the text	

#### SUMMARY

The Joint Parties' counterclaim is untimely with respect to two conflicting petitions filed several years earlier.

The counterclaim violates the rule against inconsistent or conflicting applications, §73.3518, by virtue of its stance with regard to the counterclaim that the Joint Parties filed in the Quanah, Texas, proceeding in relation to the counterclaim filed in this proceeding. In so doing, it undermines the decision in Auburn, Alabama, et al., 18 FCC Rcd 10333 (2003) by effectively re-instating the automatic stay provision for "effective but not final" allotments struck down in that decision.

The counterproposal involves four deficient proposals, one resulting from failure to timely file comments in a proceeding impacting the channel it proposes for Lakeway, Texas, a similar failure with regard to the channel proposed for Converse, Texas, failure to comply with the United States-Mexico treaty with respect to a Class C1 allotment for San Antonio, Texas, and failure to take into account commencement of broadcast operations at McQueeney, Texas.

The counterproposal relies on a perversion of the Commission's Tuck policy to claim Section 307(b) priority for proposing that established dominant FM stations in the Austin and San Antonio markets will convert to serving as a "first local service" for tiny communities within their service areas; a claim for providing an additional reception service for markets each having some 50 radio stations is without merit.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MB Docket No. 05-112  
Table of Allotments ) RM-11185  
FM Broadcast Stations )  
(Fredericksburg, Texas) )

To: Assistant Chief  
Audio Division  
Media Bureau

RESPONSE TO COUNTERPROPOSAL

1. Katherine Pyeatt and Charles Crawford submit the following response to the Counterproposal of the Joint Parties dated May 9, 2005.

I.

Petitions for allocations to two communities  
in south Texas filed in 2001 and 2003  
conflict with and have priority over the  
Fredericksburg counterproposal filed in 2005

2. In the instant proceeding, the Joint Parties have chosen to disregard portions of a counterproposal filed October 10, 2000 regarding a proposed FM allotment at Quanah, Texas, that was in conflict with a change in the channel occupied by an FM station in Elk City, Oklahoma, then desired by the Joint Parties. The current counterproposal was filed May 9, 2005 regarding a proposed FM allotment at Fredericksburg, Texas, that is in conflict with a channel change at Ingram, Texas, desired by the Joint Parties.

3. The operative date for purpose of allotment priorities is the due date for comments by which time the counterproposal must be filed, i.e., October 10, 2000 in the case of Quanah, May 9, 2005 in the case of Fredericksburg. The Fredericksburg

counterproposal interferes with allotment petitions having priority over the May 9, 2005 filing date, i.e., Garwood, Texas (filed May 21, 2003) and Batesville, Texas (filed May 23, 2001).

4. Application for Review papers, among other things, address the impact of the court decision in Crawford v. FCC, 417 F.3d 1289 (D.C.Cir. 2005), which established a benchmark for "logical outgrowth" for FM rulemaking petitions consisting of doubling the maximum co-channel protection to that of two full Class C FM stations, i.e., 294 miles, in all directions. While Mr. Crawford has withdrawn certain pending petitions that fall within the court's benchmark, two petitions have not been withdrawn and remain valid, i.e., Shiner, Texas, 375 miles distant from Quanah and Tilden, 408 miles distant from Quanah.

5. As demonstrated in the Application for Review, Quanah is located in North Texas, at the Panhandle; Shiner and Tilden are located in South Texas, near the Gulf of Mexico. For the benefit of the reader in the local area, the reach of "logical outgrowth" at such distances from Washington, D.C. would be an arc extending from Boston, thru upstate New York, to Cleveland, passing thru Kentucky, to North Carolina and ending at Charleston, South Carolina.

6. As applied to the Fredericksburg proceeding, the Shiner and Tilden petitions stand as grounds for rejection of the counterproposal.

II.

Joint Parties' violation of the rule  
prohibiting inconsistent or conflicting applications

7. While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by or on behalf of or for the benefit of the same applicant, successor or assignee. 47 CFR §73.3518. The Joint Parties' counterproposal in Docket 05-112/Fredericksburg, Texas, conflicts with the Joint Parties' counterproposal in Docket 00-148/Quanah, Texas.

8. The Joint Parties recognize this and in their Fredericksburg filing say, "if the petitioner in this case is permitted to file a contingent proposal under Auburn, Alabama, others such as the Joint Parties should be allowed to do the same." The Joint Parties are incorrect for two reasons:

A. They are in violation of the Commission's inconsistent or conflicting applications rule. The original petition for Fredericksburg relied on the effective but non-final action of the Report and Order in Docket 00-148/Quanah, Texas, citing Auburn, Alabama. The conflict of the proposed 256C3 Fredericksburg allotment with the dismissed proposal of 256A/Ingram, Texas in Docket 00-148/Quanah, Texas is a conflict which is acceptable under Auburn, Alabama but is not acceptable as a violation of §73.3518, i.e., inconsistent or conflicting applications. The Fredericksburg petitioner, Ms. Pyeatt, was not the proponent for 256A/Ingram. However, as the proponent of both the counterproposal in Docket 00-148/Quanah, Texas which is now

on Application for Review and the conflicting counterproposal in Docket 05-112/Fredericksburg, these conflicts are in violation of §73.3518.

B. Allowing such conflicting applications to be filed under Auburn, Alabama would violate the intent of said holding. In Auburn, Alabama, the Commission abandoned its policy of automatic stay which was consistent with its decision to eliminate a rule that the filing of a petition for reconsideration would automatically stay the effectiveness of a channel change order. It is the Commission's position that accepting rulemaking proposals which rely upon actions in earlier rulemaking proceedings that are effective but not final will benefit the public. Should a counter proponent or proponent be allowed to appeal an initial adverse decision and at the same time rely on that adverse decision as effective but not final, then the Commission's automatic stay provision will have been effectively re-instated.

### III.

#### Four technical and regulatory deficiencies preclude grant of the counterproposal

9. The Fredericksburg counterproposal is technically deficient and reflects regulatory deficiencies in four cases.

#### A.

##### Lakeway proposal

10. The Fredericksburg counterproposal is subject to prior filed petitions which relied on Auburn, Alabama. The Report and Order in the Quanah Docket 00-148, released May 8, 2003, dismissed the Joint Parties' counterproposal and is now on

Application for Review. Two years later, on May 9, 2005, the Joint Parties re-filed their proposal in Docket 05-112, Fredericksburg, Texas, relying on the Commission's decision in Docket 00-148 as an "effective but not yet final" decision under the Auburn, Alabama decision.

11. On May 21, 2003, one day after the release of the Memorandum Opinion and Order in the Auburn, Alabama case, a petition for channel 247A at Garwood, Texas, was filed. The Notice of Proposed Rulemaking ("NPRM") for Garwood was released on November 10, 2005 and noted that the proposed allotment was subject to the final outcome of Docket 00-148, in which the Commission dismissed proposals that conflict with the subject proposal for Garwood.

12. The Garwood petition also requested the reclassification of Station KAJA, San Antonio, Texas, and an order requesting CCB Texas Licenses to show cause why its authorization for KAJA should not be modified to specify operation on Channel 247C0 in lieu of 247C. CCB Texas Licenses did not submit a response and therefore KAJA's license was modified to specify operation on Channel 247C0, San Antonio, Texas. The Report and Order granting 247A at Garwood, Texas, was released on June 9, 2006 with the notation that the allotment was subject to the final outcome of Docket 00-148, in which the Commission dismissed proposals that would conflict with the Garwood allotment.

13. As the licensee of station KAJA subject to



reclassification in the Garwood proceeding, CCB Texas Licenses, L.P. [one of the Joint Parties] was included on the service list in the Garwood proceeding. Additionally, CCB Texas Licenses, L.P. was issued a Show Cause Order in the Garwood proceeding. Therefore, the Joint Parties were on full notice of such proceeding in relation to Docket 00-148.

14. In order to be considered along with the proposal for 247A at Garwood, the Joint Parties must have filed comments in the Garwood proceeding by the comment date, January 3, 2006, which they failed to do. Therefore, the Joint Parties' proposed move of channel 247C1 to Lakeway, Texas, in the Fredericksburg Docket 05-112 is defective to the vacant allotment for 247A at Garwood. (See, Attachment A).

15. A summary tabulation of the dates and events is set forth below:

<u>5-8-03</u>	R&O for 00-148/Quanah, Texas, released dismissing the Joint Parties' Counterproposal.
<u>5-20-03</u>	MO&O for 01-104, Auburn, Alabama released
<u>5-21-03</u>	Petition for 247A/Garwood, Texas filed
<u>4-8-05</u>	Order to Show Cause released to KAJA/San Antonio, Texas, CCB Texas Licenses
<u>11-10-05</u>	NPRM for 05-304/Garwood, Texas released
<u>1/3/06</u>	Comment date for 05-304/Garwood, Texas
<u>6-9-06</u>	R&O for 05-304/Garwood, Texas released granting 247A.

B.

Converse proposal

16. The Fredericksburg counterproposal is subject to conflicting prior filed open dockets. The Auburn, Alabama case established the principle that when an allotment decision has been made but is still subject to reconsideration, and there is no stay of that decision, parties may rely on the decision in their allotment proposals subject to their peril if the decision is ultimately reversed. In the Joint Parties' Fredericksburg counterproposal, the proposed channel 249C1 at Converse is in conflict to the docketed open proceeding in Batesville, Texas, Docket 01-130. This petition was filed on May 23, 2001, the NPRM was released on June 22, 2001 and the comment date was August 28, 2001, with only the petitioner filing comments. This is an open proceeding as no Report and Order has been issued and therefore any conflict cannot be addressed via Auburn, Alabama. Accordingly, the Joint Parties' proposed move of 249C1 to Converse, Texas, in the Fredericksburg counterproposal is defective to the pending proposal for 250A at Batesville in the open docket 01-130. (See, Attachment B).

C.

Treaty with Mexico

17. The proposed allotment of 245C1 at San Antonio does not meet the requirements for minimum distance separation under section 73.207 to channel 244C at Piedras Negras, Mexico. (See, Attachment C). In order to bring the proposed allotment of 245C1 into compliance with the U.S.-Mexico Treaty, the Joint Parties'

proposed a "small reduction in power for the proposed 245C1/KAJA in the direction of Piedras Negras." However, in order to be in compliance under section 73.207, the proposed new allotment must demonstrate a fully spaced and power classification allocation site which the Joint Parties cannot and did not provide.

D.

Replacement service for McQueeney

18. At ¶15 of the Fredericksburg counterproposal, the Joint Parties say, "Neither McQueeney nor Converse currently has local service. (KLTO-FM, although allotted to McQueeney, currently operates from its previously allotted Channel 249C3 at Cuero, Texas.)". And, in the engineering exhibit on page 4 [under 0I.a).i).\*)], the Joint Parties say, "KNGT - channel 249C1, McQueeney, Texas. Previously, channel 249C3 was deleted at Cuero, Texas and channel 249C1 was allotted to McQueeney, Texas. At this point, KNGT hasnot begun broadcast operations at McQueeney on channel 249C1." And, further on in the engineering exhibit at page 9, they say, "The Joint Parties realize that precedent establishes the fact that a sedrvice removed from a community, and that service has never begun operations, it is not considered a loss of service to the community. This is the case with KNGT at McQueeney. Channel 249C1 wasplaced at McQueeney in MM Docket 99-357, after it was deleted at Cuero. A construnction permit for KNGT compliant with the Report and Order in MM Docket 99-357 has been issued. However, it will be several months before broadcast operations can begin at McQueeney."

19. This is no longer the case. On November 17, 2006,

station KLTO-FM filed its license to cover the community of McQueeney, Texas. (See, Attachment D). Therefore the community of McQueeney has been receiving service from November 17, 2006 to the present, over six months and certainly has an expectation to continue to receive a local service.

IV.

The claim of Section 307(b) priority  
for first local service is without merit

20. The Joint Parties want the Commission to believe that a Class C-1 allotment in the Austin, Texas, market, the nation's 49th largest, worth megamillions of dollars, after all these years of ownership and operation by Joint Parties' Capstar TX Limited Partnership, will become (and is to be credited under Section 307(b) as) the local outlet for the tiny community of Lakeway, population 8,002, imbedded within the huge metro service area of that Class C-1 facility.

21. The Joint Parties also want the Commission to believe that a Class C-2 allotment in the Austin, Texas market, worth megamillions of dollars, after all these years of ownership and operation by Joint Parties' Clear Channel Broadcast Licenses, will become (and is to be credited under Section 307(b) as) the local outlet for the tiny community of Lago Vista, Texas, population 4,507, imbedded in the major metro service area of that Class C-2 facility.

22. And, the Joint Parties want the Commission to believe that a Class C-1 allotment in the San Antonio, Texas market, the nation's 32nd largest, worth megamillions of dollars, after all

these years of ownership and operation by Joint Parties' Rawhide Radio, L.L.C., will become (and is to be credited under Section 307(b) as) the local outlet for the tiny community of Converse, Texas, population 11,508, imbedded in the huge metro service area of that Class C-1 facility.

23. By what alchemy do the Joint Parties offer such an outlandish proposal? It is by a perversion of the Commission's Tuck policy in FM allotment proceedings. Before considering that perversion, it is useful to understand the Tuck policy itself.

A.

Description of the Tuck policy

24. In that regard, we are reminded of a protocol of the State Department. During the 1800's and early 1900's when our nation was actively acquiring interests in islands and territories in competition with nations such as England and Spain, statutes and other documents would at times provide that a given island or territory was "appertaining" to the United States. E.g., 48 U.S.C. §1411 regarding Navassa Island in the Caribbean near Cuba shortly prior to the Spanish-American War. The State Department explains the meaning of "appertaining" in this way: "The use of the word 'appertain' is deft, since it carries no exact meaning and lends itself readily to circumstances and the wishes of those using it." Sovereignty Study of State Department, 1931-1932, at 145-146 (copy attached as appendix F).

25. So, too, with respect to the FCC's Tuck policy, which is a menu of wildly subjective criteria: (a) The extent to which

the community residents work in the larger metropolitan area; (b) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (c) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (d) whether the specified community has its own local government and elected officials; (e) whether the smaller community has its own telephone book provided by the telephone company or zip code; (f) whether the community has its own commercial establishments, health facilities, and transportation systems; (g) the extent to which the specified community and the central city are part of the same advertising market; and (h) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools and libraries. Faye and Richard Tuck, 3 FCC Rcd 5374 (1988).

26. The kaleidoscope of combinations of facts and circumstances under these criteria is virtually endless. But there is more. All eight factors need not favor the applicant. If a majority of the factors favor the specified community and a minority are unfavorable, the specified community can be awarded the allotment. Id., Parker and Port St. Joe, Florida, 11 FCC Rcd 1095, ¶¶9-11 (1996). Thus, there are kaleidoscopes of combinations of facts and circumstances both for and against the specified community.

27. But there is still more. Nowhere amongst this no-man's

land of subjective facts and circumstances is there provision for the most crucial consideration of all, i.e., a determination of the reasonable likelihood that a broadcast station with a signal serving the central city or metropolitan area will in truth serve as a meaningful local outlet for a designated licensed community.

28. We don't know if the Morningside, Maryland, situation (in which tiny Morningside, 2000 population 1,925) is the home of the top-ranked station in the Washington-Baltimore market) was a product of the Tuck policy. But the Morningside case is symptomatic of the need to consider the reasonable likelihood of a meaningful local outlet for the smaller community in a major market in the Tuck line of cases. For many years now, the Morningside example involving Infiniti's controversial and popular station has been a public fact of life in the Washington, D.C. area for the Commission and its staff to observe and alert them to this flaw in the Tuck allotment policy.

B.

Comprehensive study of Tuck policy decisions

29. In the docket of the Commission's rulemaking proceeding relative to revision of certain FM allocations criteria, MB Docket No. 05-210, there is a "Study of Reported Decisions by the FCC Applying the Tuck Precedent to Determine Whether to Grant or Deny a 'First Local Service Status' in FM Allotment Proceedings." This study reflects that during the period from September 1995 to August 2004, at least 54 reported decisions applied the Tuck policy. One reported decision, in 1999, denied first local service status to the community of Lolo, Montana (population

2,747) located in the urbanized area of Missoula, Montana. In all of the other 53 reported decisions, the Commission granted first local service status to the community for which such status was requested. The Tuck factors could be and in fact were applied to support the first local service status without fail, whether involving small proposed communities of license (such as Leupp, Arizona, population 857, and Gurley, Alabama, population 876), large proposed communities of license (such as Sunnyvale, California, population 131,760, and Hoover, Alabama, population 62,742), small urbanized areas such as the Hyannis, Massachusetts, and Clarksville, Kentucky, urbanized areas, or large urbanized areas (such as the Chicago, Dallas-Fort Worth and Atlanta urbanized areas).

30. Since 1995, a favorable Tuck result has been available to the party seeking first local service status virtually for the asking. Moreover, the single case in which a first local service status was denied in 1999 is indistinguishable from other cases in which the status was always granted. Compare, e.g., Report and Order of Media Bureau, released November 30, 1999, MM Docket No. 97-203, denying 307(b) first local service status to Lolo, Montana, population 2,746 located 12 miles from the center city in the urbanized area, Missoula, Montana, population approximately 42,000, with Report and Order of Media Bureau, released February 9, 2004, MM Docket No. 02-79, granting 307(b) first local service status to Park City, Montana, population 870, 21 miles from the center city in the urbanized area, Billings,



Montana, population 89,847.

31. Some Tuck rulings, like the Media Bureau's decision regarding Lumberton, Texas in the Houston market, MB Docket 02-212, Report and Order of Audio Division, released May 4, 2004, provide no analysis whatsoever, e.g. "...Tichenor has provided a showing that Lumberton is independent of Beaumont under the factors set forth in Faye and Richard Tuck. See 3 FCC Rcd 5374 (1988)" (see Appendix G at ¶6). A variation is to number the eight Tuck factors and then refer only to numbers leading to the decision without any substantive analysis, e.g., Report and Order of Media Bureau, released June 23, 2003, MM Docket 01-175 (Fletcher, North Carolina) at ¶3 and n. 6. Sometimes there is a more extended analysis, e.g., Report and Order of Media Bureau, released November 29, 1996, MM Docket No. 95-175 (New Castle, Oklahoma) at ¶3. Many if not most times, the analysis is a relatively concise statement, often in a footnote. But, whether there is no analysis, a brief analysis, footnote or more extended analysis, the result is always the same. With the single exception noted, dating back over a period approaching two decades, the Tuck policy always favors a 307(b) first local service status for the applicant community.

32. There is something wrong here. As indicated in ¶15, supra, the Morningside example is a warning sign to the Commission regarding the actual service orientation of stations in small communities having facilities reaching into the center city of an urbanized area. All Tuck cases involve this

relationship since Tuck does not apply to situations located outside any urbanized area. This recurring truth about the attraction of the center city applies to major markets included in the survey such as Phoenix; Oklahoma City; Dallas-Fort Worth; Columbus, Ohio; Des Moines; Austin, Texas; Atlanta; Houston; Minneapolis-St. Paul; Kansas City; Chicago; Charlotte, North Carolina; San Jose, California; Birmingham, Alabama; Jacksonville, Florida; Indianapolis; Orlando; Salt Lake City; Portland, Oregon; Seattle and Louisville.

33. It applies to lesser markets such as Denton, Lubbock and Waco, Texas; Little Rock; Myrtle Beach, South Carolina; Spokane; Flagstaff; Binghamton, New York; Corpus Christi; Flint, Michigan; Panama City, Florida; Albany, New York; Kingsport, Tennessee; Tuscaloosa, Alabama; Goldsboro, North Carolina; Asheville, North Carolina, Athens, Georgia, Huntsville, Alabama and Columbia, South Carolina.

34. It applies to small markets such as Hyannis, Massachusetts; Clarksville, Tennessee-Kentucky; Stuart, Florida; Longview, Texas; Billings, Montana; Prescott, Arizona and Cheyenne, Wyoming.

35. In the parlance of the State Department regarding "apertaining" as a concept meaning whatever the exigencies of the moment require, the Tuck policy similarly leads to the desired result in favor of the proponent party whatever the facts and circumstances may be. It is a policy better suited to the art of diplomacy than to compliance with the rigors of agency

decisionmaking under Motor Vehicle Manufacturers Association v. State Farm Insurance Company, 463 U.S. 29 (1983) and the Administrative Procedure Act.

C.

Unique perversion of the Tuck policy attempted by the Joint Parties here

36. The Joint Parties would take this policy and subvert it to an unacceptable result. The cases in the 54 reported decisions involved stations in a relatively smaller community seeking to move in the direction of a relatively larger community as a legitimate transaction imbued with statutory implications under Section 307(b) of the Communications Act. The instant case would take Tuck into a radically different regulatory world, where there is no such legitimate business to be done, only allocating still another frequency to an entrenched major big city broadcaster already occupying a position of market dominance for which no Section 307(b) sanction would be lawful.

37. We are reminded of a line spoken by Jack Nicholson in the Academy Award winning movie, *Is This All There Is*, starring Helen Hunt as the female lead. Mr. Nicholson played the role of a successful author of novels about women who in his personal life, until ultimately brought to heel by Ms. Hunt, was given to harsh sarcasm. A young female admirer upon meeting him and seeking an autograph asked, how can you be so perceptive about the way women think and feel? He responded, I envision how men think and feel, and then remove all semblance of reason. So too here. The efforts under the Tuck policy of long established

powerhouse broadcasters in major markets to claim first local service credit under Section 307(b) for tiny communities within their metro service area take the already dubious Tuck policy and then remove all remaining semblance of reason.

V.

The claim of Section 307(b) priority  
for population figures is without merit

38. The counterproposal's claim of an overall net gain in FM service to more than a million people, Engineering Statement at 10, is without merit. There is no suggestion that any of these people reside in a "white area" without any reception service or a "gray" area with only a single reception service. In all likelihood, the vast majority of these people reside in the San Antonio and Austin radio markets ranked 32nd and 49th largest in the nation. There are approximately 46 radio stations in the San Antonio radio market (appendix H) and approximately 45 radio stations in the Austin radio market (appendix I), offering an enormous range of radio services with multiple stations providing the more popular services. News and other information programming can be heard 24-7 across the radio dial. If the million people receiving an incremental additional signal already have such a multiplicity of signals, how relevant is this statistic except to show major markets have a lot of people in them? It should be given no weight in consideration of the Joint Parties' counterproposal.

VI.  
Conclusion

39. For the foregoing reasons, the Joint Parties' counterproposal should be denied.

Respectfully submitted,



---

Gene A. Bechtel

Law Office of Gene Bechtel, P.C.  
Suite 600, 1050 17th Street, N.W.  
Washington, D.C. 20036  
Telephone 301-340-1651  
Telecopier 301-340-6811

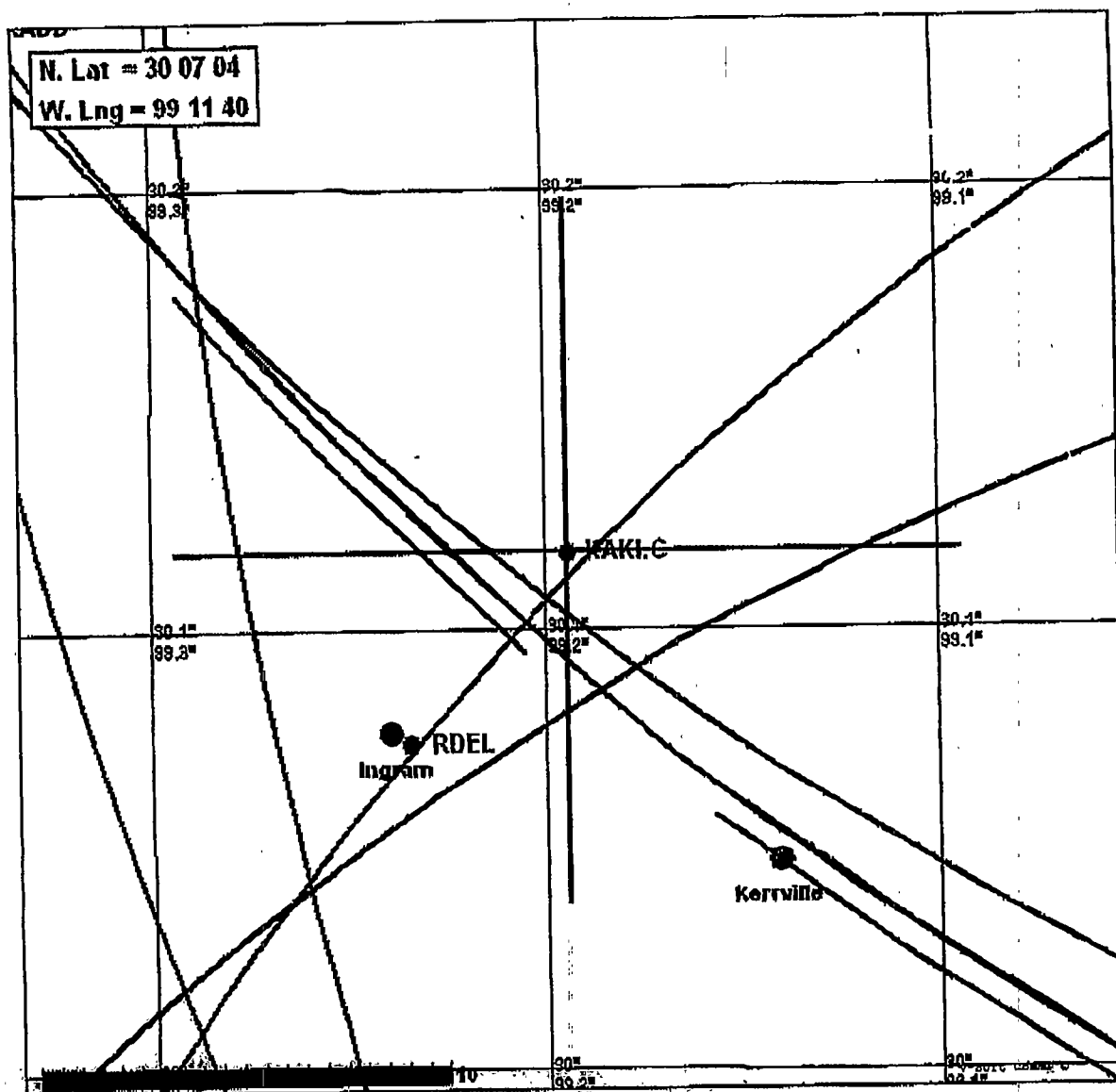
Counsel for Katherine Pyeatt  
and Charles Crawford

June 14, 2007

Attachment A

(Channel study for channel 256A at Ingram, Texas)

CH 243 C3, AA, 96.5 MHz  
Kzia, Inc.



Data Date:06-05-07 Job Date:06-06-07

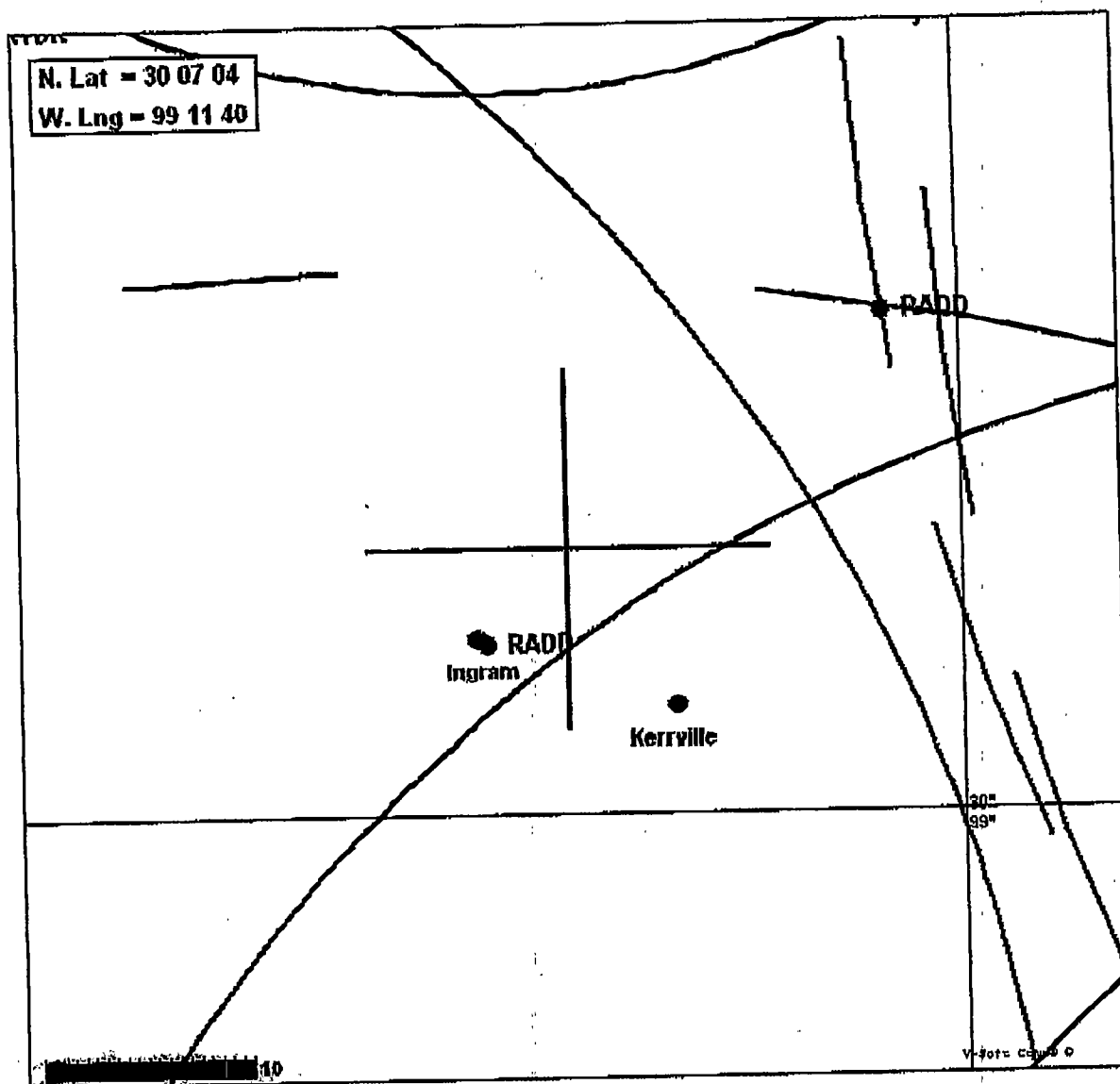
Call	CH#	Type	Location	Azi	D-KM	FCC	Margin
KAKI.C	243C3	CP	N Ingram	TX	0.0	0.00	153.0 -153.00
RDEL	243A	DEL	Ingram	TX	219.4	6.14	142.0 -135.86
RADD	243C2	ADD	Lago Vista	TX	73.1	131.48	177.0 -45.52
RADD	243C2	ADD	Lago Vista	TX	73.1	131.48	177.0 -45.52
RADD	243C2	ADD	Lago Vista	TX	73.1	131.48	177.0 -45.52
RDEL	244C1	DEL	Georgetown	TX	73.1	131.48	144.0 -12.52
KHFI-FM	244C1	LIC	Georgetown	TX	80.0	136.06	144.0 -7.94
RDEL	244C1	DEL	Georgetown	TX	80.0	136.06	144.0 -7.94
KAJZ.C	242A	CP -Z	Llano	TX	43.7	86.39	89.0 -2.61
KAJZ	242A	LIC-Z	Llano	TX	43.2	86.97	89.0 -2.03
RDEL	242A	DEL	Llano	TX	43.2	86.97	89.0 -2.03
RDEL	242A	DEL	Llano	TX	39.3	87.77	89.0 -1.23
KXXM	241C1	LIC	San Antonio	TX	134.6	76.49	76.0 0.45
RADD	245C1	ADD	San Antonio	TX	149.6	79.40	76.0 3.40
RADD	245C1	ADD	San Antonio	TX	149.6	79.40	76.0 3.40
RDEL	244C1	DEL	Georgetown	TX	67.5	156.27	144.0 12.27
AL6571	242A	VAC	Menard	TX	326.7	116.90	89.0 27.90

**Attachment B**  
(Channel study for channel 256C3 at Ingram, Texas)



CH 256 C3, AA, 99.1 MHz

Kzia, Inc.



Data Date:06-05-07 Job Date:06-06-07

Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
RADD	256A	ADD	Ingram	TX	219.4	6.14	142.0	-135.86
RADD	256A	ADD	Ingram	TX	219.4	6.14	142.0	-135.86
RADD	256C3	ADD	Fredericksburg	TX	52.3	19.06	153.0	-133.94
KAYG	256A	LIC	Camp Wood	TX	240.7	91.01	142.0	-50.99
KEMO-FM	255C1	LIC-Z	Dilley	TX	183.6	130.49	144.0	-13.51
KEMO-FM.C	255C1	OP -Z	Dilley	TX	183.6	130.49	144.0	-13.51
AL8748	257A	VAC	Leakey	TX	238.0	77.86	89.0	-11.14
KBBT	253C1	LIC	Schertz	TX	145.4	80.05	76.0	4.08
KHHL	255C2	LIC N	Leander	TX	76.6	134.10	117.0	17.10
KHHL.A	255C2	APP-Z	Leander	TX	80.0	136.19	117.0	19.19
AP8824	259A	APP	Mason	TX	356.7	64.74	42.0	22.74
NEW.C	259A	CP N	Mason	TX	355.7	69.91	42.0	27.91
AP4098	259A	APP	Mason	TX	8.9	70.08	42.0	28.08
KUSS-FM	258C	LIC	San Antonio	TX	136.0	129.74	96.0	33.74
KDSM	257C1	LIC N	Brownwood	TX	5.4	178.38	144.0	34.31
KPAC	202C1	LIC	San Antonio	TX	145.4	80.05	24.0	56.05
RDEL	254C	DEL	San Angelo	TX	329.8	160.74	96.0	64.74